

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOANN ABBO-BRADLEY, et al.,

v.
Plaintiffs,
13-CV-487-JTC

CITY OF NIAGARA FALLS, et al.,

Defendants.

On July 18, 2013, this court granted the application of defendant Glenn Springs Holdings, Inc. (“GSH”), made on behalf and upon the consent of all defendants, for an order “maintaining the status quo with respect to the parties’ fair and equal access to environmental sampling evidence until such time as the subject matter jurisdiction of the court is determined” on plaintiffs’ pending motion to remand the case to state court. Item 125, p. 16. As a result of the July 18th order, and as set forth more fully therein, plaintiffs (and their attorneys) are currently enjoined from conducting environmental sampling in the neighborhood surrounding the Love Canal Landfill site without providing all other parties (and relevant governmental agencies) prior written notice of sampling activity, contemporaneous access to the sampling location, and an opportunity to take split samples. See *id.* at 17.

Plaintiffs immediately filed a Notice of Appeal from this order (Item 126), along with a motion to stay the effect of the court’s status quo injunction pending determination of the

appeal (Item 127),¹ and a motion pursuant to Fed. R. Civ. P. 6(c) and Local Rule 7(d) for expedited adjudication of the motion for stay (Item 128).

Upon review of the matters set forth in these applications, and considering the current posture of the litigation, plaintiffs' motion for expedited determination is granted. Toward the goal of prompt determination, counsel for GHS (as respondent on behalf of all defendants) is hereby directed to file a written response to the motion for stay pending appeal as soon as practicable, but in no event more than seven days from the date of entry of this order, at which time the court will take under advisement the motion for stay of the effect of the court's July 18, 2013 order pending appeal .

Plaintiffs' request for an immediate "interim" stay, pending briefing and decision on the application for stay pending appeal, is denied.

So ordered.

John T. Curtin _____
JOHN T. CURTIN
United States District Judge

Dated: July 24, 2013
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¹See Rule 8(a)(1)(C) of the Federal Rules of Appellate Procedure ("A party must ordinarily move first in the district court for ... an order suspending, modifying, restoring, or granting an injunction while an appeal is pending.")